

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

SAEED MOHAMMED SALEH
HATIM, *et al.*,

Petitioners-Appellees,

v.

BARACK H. OBAMA, *et al.*,

Respondents-Appellants.

No. 13-5218 (consolidated with
with Nos. 13-5220 and 13-5221)

APPELLEES' MOTION TO EXPEDITE APPEAL

On August 15, 2013, this Court granted the Government's motion for a stay pending appeal of the district court's order. The district court's order sought to protect the Guantanamo habeas detainees' access to counsel.

On August 19, 2013, this Court entered a schedule calling for the Government's opening brief to be filed on October 8, the appellants' brief on November 7, and the Government's reply on November 22.

The Government had stated in its motion that it was "willing to expedite the appeal in this matter if the Court deems it appropriate" and that the appeal "should be expedited if the Court deems it appropriate." Appellants' Motion for a Stay Pending Appeal, July 23, 2013, at 1, 20.

Appellees urgently request that the Court enter an order expediting the dates for filing briefs and for oral argument. The longer the Court's stay is in place, the longer the Guantanamo detainees with habeas petitions will continue to be forced either to forgo meeting or talking with counsel, on the one hand, or to submit to religiously offensive genital-area searches as precondition to meeting with counsel, on the other. Some detainees have decided not to submit to these searches, and thus do not have access to counsel. For instance, a detainee whose name appears in the caption of this appeal, Saeed Hatim, is refusing telephone calls and meetings with counsel, evidently because of the genital-area search policy. His habeas hearing is scheduled for December, and it is essential that counsel have access to him prior to the hearing. The stay may already force counsel to seek a postponement of the hearing, but the sooner the appeal is decided, the sooner his habeas hearing might occur.

Accordingly, appellees request that the Court enter a revised expedited briefing schedule, requiring the Government's brief and appendix to be filed on September 6, the appellees' brief to be filed on September 20, and the Government's reply to be filed on September 27. Appellants further request that, if possible, the oral argument take place in October.¹

¹ Appellants contacted Government counsel about this proposal; the Government responded as follows:

(continued...)

August 19, 2013

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“We have a counter-proposal for an expedited schedule, which would be this:

“Aplt. Brief and Appendix – Friday, Sept. 20

“Aple. Brief – Friday, Oct. 11

“Reply Brief – Tuesday, Oct. 22

“These would be the (potentially) under seal briefs. If redaction is required, the public briefs would be due, as in the court's schedule, 30 days later. Similarly, the public appendix would be due with the public reply brief.”

CERTIFICATE OF SERVICE

I certify that true and correct copies of the foregoing motion were served today upon counsel of record for the Appellants via the CM/ECF System.

/s/ *Brian E. Foster*
Brian E. Foster

August 19, 2013